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10/734,560	12/12/2003	Jaideep Abichandani	03-1043	2441

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EXAMINER

WONG, BLANCHE

ART UNIT	PAPER NUMBER
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2619

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,560

Applicant(s)

ABICHANDANI ET AL.

Examiner

Blanche Wong

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 13, 2007 have been fully considered but they are not persuasive.
2. Applicant states that "Poustchi-provisional does not teach at a server 'creating an association between the call park number and the second user agent by registering the call park number at the server". Response to Office Action Mailed July 12, 2007, p.13, section a. However, Examiner respectfully disagrees. In section a, Applicant further states that "[i]nterpreted in view of Applicants' specification, a server plays a role that is distinct from that of the user agents In particular, it provides for registration of the entered call park number, the registration serving to create an association between the call park number and the second user agent", but does not reference where the Specification teaches so. Examiner was unable to interpret in view of the Specification.
3. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
4. Applicant states that "Poustchi-provisional does not teach 'using the association between the call park number and the second user agent' for 'establishing a second communication session between the third user agent and the second user agent' or for 'routing the call from the third user agent to the second user agent'". Response to Office Action Mailed July 12, 2007, p.14, section b. However, Examiner respectfully disagrees.

5. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

6. Applicant states that "Poustchi-provisional does not teach 'deregistering the call park number at the server'". Response to Office Action Mailed July 12, 2007, p.14, section c. However, Examiner respectfully disagrees.

7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Drawings

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the server "creating an association between the call park number and the second user agent ..."; the third user agent "establishing a second communication session between the third user agent and the second user agent ..."; "establishing a third communication session between the third user agent and the first user agent"; "deregistering the call park number at the server" (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

9. The drawings are objected to because in Fig. 2, server parks and then stores, but in claim 1, Examiner interprets registering as a way of storing and finds that the process has been reversed, namely registering and then parking. Corrected drawing sheets in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

10. Claims 1,11,17 are objected to because of the following informalities: With regard to claim 1, Examiner suggests replacing "using a call park number" in line 6 with "by entering a call park number" in consistent with Fig. 2, step 210 and the Specification. Similarly in claims 11 and 17. Appropriate correction is required.

11. Claim 13 is objected to because of the following informalities: Examiner suggests replacing "comprises" in line 2 with "further comprising" in consistent with claim 11. Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. **Claims 1-6 and 8-10** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “establishing a first communication session between a first user agent and a second user agent in a network; at the second user agent, initiating a call park for the first communication session by entering a call park number; ... parking the first communication session at the second user agent; ... at a third user agent in the network, entering the call park number; ...” in claim 1, does not reasonably provide enablement for “at a server in the network, creating an association between the call park number and the second user agent by registering the call park number of the server; ... establishing a second communication session between the third user agent and the second user agent using the association between the call park number and the second user agent, the association being obtained from the server; sending to the third user agent the address of the first user agent; establishing a third communication session between the third user agent and the first user agent; and deregistering the call park number at the server” in claim 1. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

14. **Claims 11-24** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for limitations in the unamended claims 11 and 17, does not reasonably provide enablement for "at the server ... creating an association between the call park number and the second user agent" in amended claims 11 and 17. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. **Claim 1-6 and 8-24** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, it is unclear how the association is obtained from the server in lines 15-16, or whether the third user agent obtained the association from the server.

With regard to claim 1, it is unclear who is "sending to the third user agent the address of the first user agent" in line 17. Fig. 2 clearly discloses the second user agent sending to the third user agent the address of the first user agent in step 245.

With regard to claim 1, it is unclear how "establishing a third communication session between the third user agent and the first user agent" in lines 18-19 is done, or whether it is done using the address of the first user agent in line 17.

With regard to claim 3, it is unclear what is meant by "using ... as a reference" in line 2. That is, as a reference to what.

With regard to claim 6, it is unclear what is meant by "become engaged" in line 2.

With regard to claim 8, it is unclear what is meant by "become engaged" in lines 2-3

With regard to claim 10, it is unclear what is a user that operates a user agent.

With regard to claim 11, it is unclear what is performing the step of "sending the call park number to a server in the network" in line 7. Fig. 2 clearly discloses the second user agent sending the call park number to a server in the network in step 215.

With regard to claim 11, it is unclear whether the server is "parking the first communication session at the second user agent" in line 12.

With regard to claim 11, it is unclear whether the second user agent is "sending to the third user agent the address of the first user agent" in lines 20-21.

With regard to claim 15, it is unclear what is meant by "using ... as a reference" in line 2. That is, as a reference to what.

With regard to claim 16, it is unclear what is a user that operates a user agent.

With regard to claim 17, it is unclear whether the second user agent is "sending the call park number to a SIP proxy server" in line 7.

With regard to claim 17, it is unclear whether the second user agent is "sending the address of the first user agent to the third user agent " in line 19.

With regard to claim 23, it is unclear what is a user that operates a user agent.

With regard to claim 24, it is unclear what is meant by "using ... as a reference" in line 2. That is, as a reference to what.

17. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 17, "the address of the first user agent".

Claim 4, line 2, "receiving the call park number from the third user agent".

Claim 21, lines 1-2, "routing the call from the third user agent to the second user agent".

Allowable Subject Matter

18. Claims 1,11,17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

19. Claims 2-6,8-10,12-16,18-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Application/Control Number:
10/734,560
Art Unit: 2619

Page 9

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

BW
January 16, 2008

EDAN . ORGAD
SUPERVISORY PATENT EXAMINER

Edan Orgad